

Index to Administrative Record
Tennessee 2005 - 2007 Triennial Review
March 2008

This Administrative Record index applies to the following action: Approval of Tennessee's 2005-2007 Triennial Review addressing editorial changes to clarify existing provisions and current practices; new and revised definitions; revisions to the procedures for site-specific criteria studies and exclusion areas for mixing zones; revised numeric water quality criteria consistent with EPA's Clean Water Act (CWA) section 304(a) criteria guidance; new and revised narrative criteria for total suspended solids, iron, biological integrity, habitat, temperature, and flow; a new chlorophyll a criterion for Pickwick Lake; instream design flow values used in the application of specific water quality criteria; an implementation methodology for the State's antidegradation policy; and new and revised use classifications within several river basins

Part 1. General Background Documents

1.1 U.S. Environmental Protection Agency. National Recommended Water Quality Criteria. 2006. Office of Water (4304T), United States Environmental Protection Agency, Washington, D.C. 24pp. 591847

1.2 U.S. Environmental Protection Agency. 1999 Update of Ambient Water Quality Criteria for Ammonia. EPA-822-R-99-014. Office of Water, United States Environmental Protection Agency, Washington, D.C. 147pp. 591854

1.3 Memorandum from Ephraim S. King, Director of the Office of Science and Technology to Water Management Division Directors, Regions 1-10 [Tier 2 Antidegradation Reviews and Significance Thresholds] (August 10, 2005) 591856

1.4 Letter from John P. DeVillars, Regional Administrator, US EPA Region 1 to Timothy R.E. Keeney, Director Department of Environmental Management (June 25, 1996) 591859

1.5 "Advanced Notice of Public Rulemaking," 63 Federal Register 129 (7 July 1998), pp. 36741-36806 591860

1.6. Chapter 4 Antidegradation, Water Quality Standards Handbook: Second Edition, EPA-823-B-94-005a (August 1994), 14pp. 591861

1.7 "Appendix E to Part 132-Great Lakes Water Quality Initiative Antidegradation Policy," 58 Federal Register 72 (16 April 1993), pp. 21031-21034 591862

1.8 Letter from Paul E. Davis, Director Water Pollution Control Tennessee Department of Environment and Conservation to Ms. Lauren Petter, US EPA Region IV [Transmittal of Tennessee's Plan for Nutrient Criteria Development] (September 20, 2007) 591863

Part 2. Post-Adoption Correspondence, Final WQS Submittal and EPA Response

2.1 Letter from Andrew Bartlett, Chief Standards, Monitoring, and TMDL Branch to Jennifer Gerbasi, Director Policy and Legislative Affairs Tennessee Clean Water Network [Receipt of comments on proposed revisions to Tennessee's water quality standards with enclosure] (December 14, 2006) 591865

2.2 Email from Fritz Wagener, EPA to Greg Denton, Tennessee Environment and Conservation [Quick Question] (March 12, 2007) 591866

2.3 Email from Greg Denton, Tennessee Environment and Conservation to Fritz Wagener, EPA [Re: Quick Question] (March 12, 2007) 591867

2.4 Email from Fritz Wagener, EPA to Greg Denton, Tennessee Environment and Conservation [Another quick question] (March 14, 2007) 591868

2.5 Email from Fritz Wagener, EPA to Greg Denton, Tennessee Environment and Conservation [One more] (March 14, 2007) 591869

2.6 Email from Greg Denton, Tennessee Environment and Conservation to Fritz Wagener, EPA [Re: Another quick question] (March 23, 2007) 591870

2.7 Email from Greg Denton, Tennessee Environment and Conservation to Fritz Wagener, EPA [Re: One more] (March 23, 2007) 591871

2.8.a Letter from Paul E. Davis, Director Tennessee Department of Environment and Conservation to Mr. James D. Giattina, Director Water Management Division, EPA Region 4 [Transmittal of Revisions Adopted by the Tennessee Water Quality Control Board and Related Materials] (July 20, 2007) 591872

2.8.b. Letter from Paul E. Davis, Director Tennessee Department of Environment and Conservation to Mr. James D. Giattina, Director Water Management Division, EPA Region 4 [Comments Provided Specific to Antidegradation Revisions Adopted by the Tennessee Water Quality Control Board] (March 23, 2007) 591873

2.8.c. 2006 Triennial Review of Water Quality Standards Summary of Public Comments and Tennessee Water Quality Control Board (WQCB) Responses 591876

2.8.d. Rulemaking Hearing Rules of Tennessee Water Quality Control Board Tennessee Department of Environment and Conservation Division of Water Pollution Control Chapter 1200-4-3 General Water Quality Criteria and Chapter 1200-4-4 Use Classifications for Surface Waters 591879

2.8.e. Attorney General Certification for Chapter 1200-4-3 and 1200-4-4 by Robert E. Cooper, Jr., Attorney General and Reporter of the State of Tennessee (October 24, 2006) 591882

2.9 Letter from Jennifer Gerbasi, Director Policy and Legislative Affairs Tennessee Clean Water Network to James D. Giattina, Director Water Management Division

[Clarification regarding interpretation of Tennessee's draft new antidegradation rules with enclosed letters dated July 9, 2007 and March 23, 2007] (July 31, 2007) 591887

2.10 Fax from Greg Denton, Tennessee Department of Environment and Conservation to Fritz Wagener, EPA [Two letters regarding Tennessee's Triennial Review dated July 9, 2007 and August 3, 2007] (August 10, 2007) 591889

2.11 Email from Greg Denton, Tennessee Department of Environment and Conservation to Lauren Petter, EPA [Fwd: TDEC Variance Authority] (August 22, 2007) 591890

2.12 Letter from James D. Giattina, Director Water Management Division to Jennifer Gerbasi, Director Policy and Legislative Affairs Tennessee Clean Water Network [Receipt of July 31, 2007 letter] (August 30, 2007) 591901

2.13 Email from Fritz Wagener, EPA to Greg Denton, Tennessee Department of Environment and Conservation [Quick question] (September 18, 2007) 591903

2.14 Email from Greg Denton, Tennessee Department of Environment and Conservation to Fritz Wagener, EPA [Re: Quick question] (September 18, 2007) 591904

2.15 Email from Jennifer Gerbasi, Tennessee Clean Water Network to Thomas McGill, EPA [Antidegradation Interpretation in Tennessee] (November 26, 2007) 591905

2.16 Email from Gregory Denton, Tennessee Department of Environment and Conservation to Thomas McGill, EPA [Fwd: CWA 316(a) Letter to Gary Davis] (December 20, 2007) 591906

2.17 Email from Fritz Wagener, EPA to Greg Denton, Tennessee Department of Environment and Conservation [Question on domestic discharge provision in definition of de minimis] (March 10, 2008) 591907

2.18 Email from Greg Denton, Tennessee Department of Environment and Conservation to Fritz Wagener, EPA [Re: Question on domestic discharge provision in definition of de minimis] (March 10, 2008) 591908

2.19.a. Letter from James D. Giattina, Director Water Management Division to Mr. Jim H. Fyke, Commissioner of Tennessee Department of Environment and Conservation [Tennessee Triennial Review Water Quality Standards Revisions with enclosure] (March 27, 2008) 591909

2.19.b.1. Enclosure titled "United State Environmental Protection Agency Determination Under Section 303(c) of the Clean Water Act Review of Chapters 1200-4-3 and 1200-4-4 General Water Quality Criteria and Use Classifications for Surface Waters" with attachments. 54pp. 591910

2.19.b.2. Attachment A. Revisions to 1200-4-3-.03(3)(g) 591911

- 2.19.b.3. Attachment B. July 2, 2007 Email from Gregory Denton to Lauren Petter Concerning Pickwick Lake Supporting Materials 591912
- 2.19.b.4. Attachment C. Revisions to 1200-4-3-.03(4)(j) 591913
- 2.19.b.5. Attachment D. Antidegradation Language As Approved September 30, 2004 591914
- 2.19.b.6. Attachment E. Antidegradation Language As Adopted October 24, 2006 591915
- 2.19.b.7. Attachment F. Summary of Revisions Within Chapter 1200-4-4 591916
- 2.19.b.8. Attachment G. December 3, 2007 Letter from James D. Giattina, Director, Region 4 Water Management Division, to Paul Davis, Director, Tennessee Division of Water Pollution Control 591917
- 2.19.b.9. Attachment H. February 27, 2008 Letter from Paul Davis, Director, Tennessee Division of Water Pollution Control to James D. Giattina, Director, EPA Region 4 Water Management Division 591918

Part 3. Proposed WQS Submittal, Correspondence, Comments

- 3.1 Letter from Paul E. Davis, Director Tennessee Department of Environment and Conservation to Mr. James D. Giattina, Director Water Management Division, EPA Region 4 [Intention to initiate rulemaking to revise water quality standards] (March 16, 2005) 591984
- 3.2 Letter from James D. Giattina, Director Water Management Division to Paul E. Davis, Director Tennessee Department of Environment and Conservation [Considerations for 2005 Triennial Review] (April 20, 2005) 592054
- 3.3 Email from Thomas McGill, EPA to Gregory Denton, Tennessee Department of Environment and Conservation [Antideg comments for your consideration] (July 19, 2005) 592059
- 3.4 Letter from Paul Sloan, Deputy Commissioner Tennessee Department of Environment and Conservation to Mr. J. I. Palmer, Jr., Regional Administrator US EPA Region IV [Request for meeting to discuss potential directions in antidegradation implementation] (August 1, 2005) 592060
- 3.5 Email from Greg Denton, Tennessee Department of Environment and Conservation to Lee Barclay, Fish and Wildlife Service [Availability of Revision Version of WQS with Rules of the Tennessee Department of Environment and Conversation Tennessee Water Quality Control Board Division of Water Pollution Control Chapter 1200-4-3 General Water Quality Criteria and Chapter 1200-4-4 Use Classifications for Surface Waters attached] (November 4, 2005) 592061
- 3.6 Notice of Rulemaking Hearing Tennessee Department of Environment and Conservation Water Quality Control Board (November 15, 2005) 592062

- 3.7 Email from Fritz Wagener, EPA to Gregory Denton, Tennessee Department of Environment and Conservation [Antidegradation] (January 17, 2006) 592063
- 3.8 Fax from Fritz Wagener, EPA to Gregory Denton, Tennessee Department of Environment and Conservation [ONRW "guidance"] (January 30, 2006) 592068
- 3.9 Letter from Andrew Bartlett, Chief Standards, Monitoring, and TMDL Branch to Paul E. Davis, Director Tennessee Department of Environment and Conservation [Comments on Proposed Rule Revisions] (February 14, 2006) 592069
- 3.10 Email from Will Callaway, Tennessee Environmental Council to Greg Denton, Tennessee Department of Environment and Conservation [RE: Public Comment Period for Rules Revisions with attachments] (February 15, 2006) 592070
- 3.11 Email from Gena Lewis, United Mountain Defense to Greg Denton, Tennessee Department of Environment and Conservation [Official Comments RE: Changes to General Water Quality Criteria and ARAP Rules with attachment] (February 15, 2006) 592071
- 3.12 Email from Gregory Denton, Tennessee Department of Environment and Conversation to Thomas McGill, EPA [Possible Language] (May 1, 2006) 592072
- 3.13 Email from Gregory Denton, Tennessee Department of Environment and Conversation to Thomas McGill, EPA [Lead paragraph for Antideg] (May 4, 2006) 592073
- 3.14 Fax from Thomas McGill, EPA to Gregory Denton, Tennessee Department of Environment and Conversation [Historical materials on antidegradation] (June 16, 2006) 592075
- 3.15 Email from Thomas McGill, EPA to Gregory Denton, Tennessee Department of Environment and Conversation [fax] (June 16, 2006) 592083
- 3.16 Email from Greg Denton, Tennessee Department of Environment and Conversation to Paul Davis, Tennessee Department of Environment and Conversation [Availability of Second Draft of Water Quality Criteria Revisions with proposed rules of the Tennessee Department of Environment and Conversation Tennessee Water Quality Control Board Division of Water Pollution Control Chapter 1200-4-3 General Water Quality Criteria and draft responses to public comments attached] (July 13, 2006) 592084
- 3.17 Email from Gregory Denton, Tennessee Department of Environment and Conversation to Thomas McGill, EPA [Fwd: Re: Comments on Division Comments] (September 12, 2006) 592085
- 3.18 Email from Fritz Wagener, EPA to Gregory Denton, Tennessee Department of Environment and Conversation [Region 4 states - antidegradation] (September 18, 2006) 592086
- 3.19 Email from Gregory Denton, Tennessee Department of Environment and Conversation to Thomas McGill, EPA [Fwd: Water Quality Standards Comments with attached Tennessee Clean Water Network comments] (September 22, 2006) 592087

3.20 Email from William Penny, Stites & Harbison PLLC to Paul Davis, Tennessee Department of Environment and Conservation [Supplemental Comments on behalf of National Coal with comments attached] (September 25, 2006) 592088

3.21 Letter from Jennifer Gerbasi, Director Policy and Legislative Affairs Tennessee Clean Water Network to James D. Giattina, Director Water Management Division [Transmittal letter and attached September 22, 2006 comments on Tennessee's proposed revisions to water quality standards] (October 19, 2006) 592089

Part 4. Endangered Species Act (ESA) Evaluation and Consultation

4.1 Memorandum from Geoffrey H. Grubbs, Director of the Office of Science and Technology to Water Management Division Directors, Regions 1-10 [National Consultation on Section 304(a) Recommended Criteria for Ammonia] (July 16, 2004) 592090

4.2 Letter from Lee Barclay, Field Supervisor Fish and Wildlife Service to Mr. James I. Palmer, Jr., Regional Administrator, US Environmental Protection Agency [Concurrence letter] (November 9, 2004) 592091

4.3 Email from Lauren Petter, EPA to Steven Alexander, Fish and Wildlife Service [consultation species list] (November 27, 2006) 592092

4.4 Email from Steven Alexander, Fish and Wildlife Service to Lauren Petter, EPA [Re: consultation species list] (November 27, 2006) 592093

4.5 Letter from Duncan Powell, Endangered Species Coordinator to Dr. Lee Barclay, Field Supervisor United States Fish and Wildlife Service [Transmittal of Biological Evaluation for TN Triennial Review with attached Biological Evaluation] (March 21, 2008) 592094